



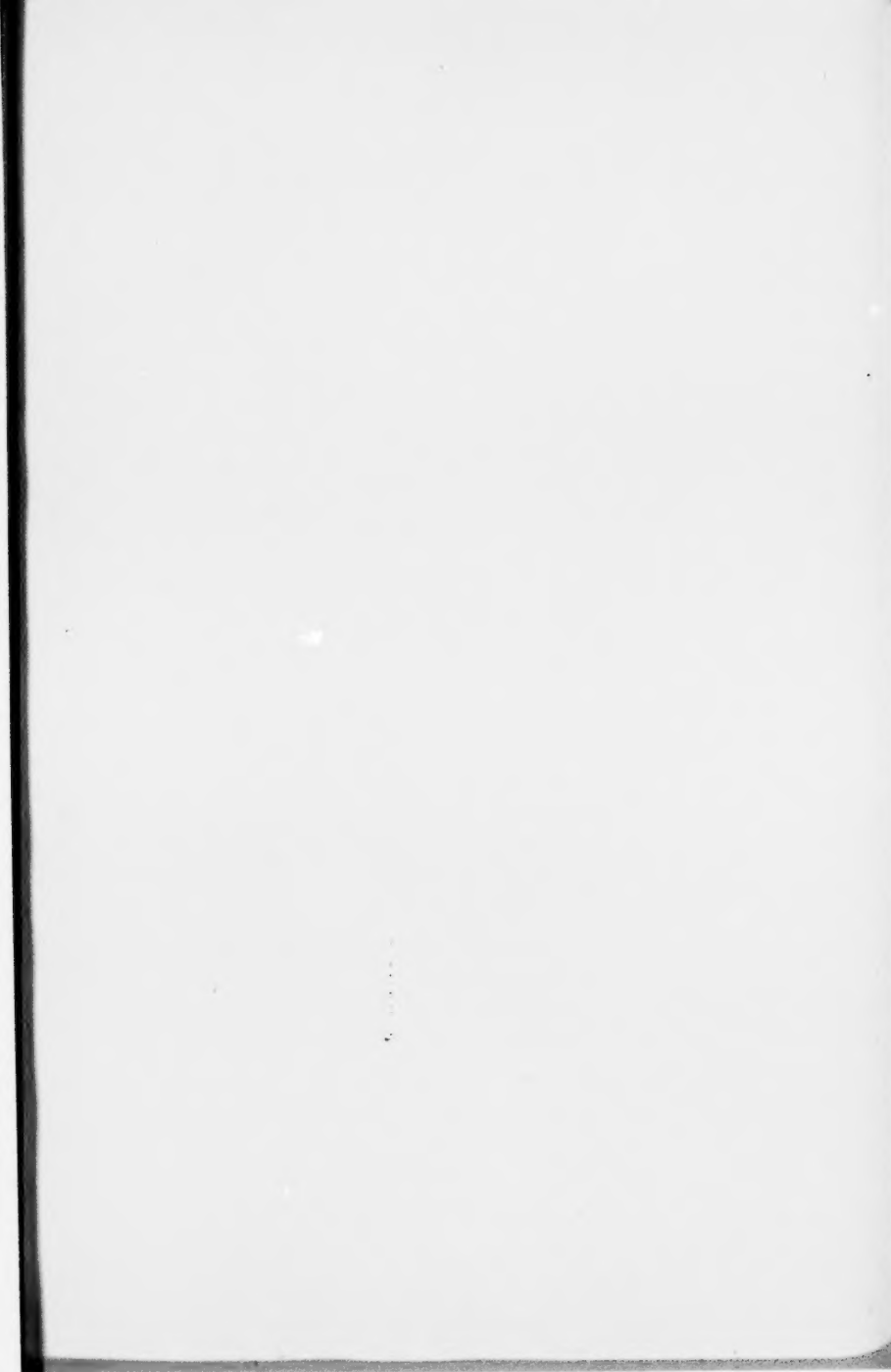
---

---

APPENDIX  
'A'

---

---



## APPENDIX

### A

Schedule of applicable sections of the 'Michigan unemployment compensation act' (Act No. 1, Secs. 2, 19, 20, 28, 29, Public Acts 1936 (Ex. Sess.), as amended at time of controversy).

#### Sec. 2:

(This section has not been amended. It appears in Stat. Ann. 1942 Cum. Supp. as § 17.502).

#### "Sec. 2.

"Declaration of policy. The legislature acting in the exercise of the police power of the state declares that the public policy of the state is as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Involuntary unemployment is a subject of general interest and concern which requires action by the legislature to prevent its spread and to lighten its burden which so often falls with crushing force upon the unemployed worker and his family, to the detriment of the welfare of the people of this state. Social security requires protection against this hazard of our economic life. Employers should be encouraged to provide stable employment. The systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment by the setting aside of unemployment

reserves to be used for the benefit of persons unemployed through no fault of their own, thus maintaining purchasing power and limiting the serious social consequences of relief assistance, is for the public good, and the general welfare of the people of this state.”

**Sec. 19**, as amended by Act No. 364, Pub. Acts 1941:

(This section has not been further amended. It appears in Stat. Ann. 1942 Cum. Supp. as § 17.520.)

**“Sec. 19.**

“Same; adjustment of rates. The commission shall determine the contribution rate of each employer for the calendar year commencing January 1, 1942, and annually thereafter in accordance with the following requirements:

“Each employer’s contribution rate shall be three (3) per centum of the wages paid by him with respect to employment unless and until contributions have been payable by the employer throughout a period of at least forty-two (42) consecutive calendar months immediately preceding the end of the last completed calendar year, and there has been a period of not less than thirty-six (36) consecutive calendar months immediately preceding the end of the last completed calendar year throughout which an individual if unemployed and eligible, could have received benefits based on wages from such employer.

“Except as provided in the preceding paragraph, each employer’s contribution rate for any calendar

year shall be determined on the basis of his experience index at the beginning of such calendar year.

Each employer's contribution rate shall be determined from the following table:

If the employer's experience index is:	The employer's contribution rate shall be:
Less than 1.0%	1.0%
1.0% and less than 1.3%	1.3%
1.3% and less than 1.6%	1.6%
1.6% and less than 1.9%	1.9%
1.9% and less than 2.2%	2.2%
2.2% and less than 2.5%	2.5%
2.5% and less than 2.8%	2.8%
2.8% and less than 3.1%	3.1%
3.1% and less than 3.4%	3.4%
3.4% and less than 3.7%	3.7%
3.7% and less than 4.0%	4.0%
4.0% or greater	4.0%

No employer's contribution rate shall exceed four (4.0) per cent."

**Sec. 20**, as amended by Act No. 364, Pub. Acts 1941:

(This section has not been further amended. It appears in Stat. Ann. 1942 Cum. Supp. as § 17.521.)

**"Sec. 20.**

**"Same; charging of benefits.**

**"(a)** Benefits paid in any calendar year shall be charged against the employers' experience records

as of the year in which such payments are made. The benefits paid to an individual with respect to unemployment occurring in any benefit year established after the effective date of this act shall be charged against the experience records of all the employers in whose employ the individual earned fifty dollars (\$50.00) or more in wages during the base period which was used in determining his benefit rights for such benefit year: Provided, That the amount charged to each such employer shall bear the same relation to the total benefits paid such individual as the base period wages earned with the employer bear to the total amount of base period wages earned with all such employers, computed to the nearest multiple of one (1) per centum. If the commission finds that any benefits paid and charged against an employer's experience record were improperly paid, an amount equal to the charge based on such benefits shall be deducted from the charges against the employer's experience record for the current calendar year."

**Sec. 28**, as amended by Act No. 364, Pub. Acts 1941:

(This section was further amended by Act No. 18, Pub. Acts Second Extra Session 1942, and by Act No. 88, Pub. Acts of 1943. The 1941 amendment appears in Stat. Ann. 1942 Cum. Supp. as § 17.530.)

**"Sec. 28.**

"Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

“(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe.

“(b) He has made a claim for benefits in accordance with the provisions of section 32 of this act.

“(c) He is able to work, and is available for full-time work: Provided, That an individual who has been employed during his base period only as a regular part-time employee working not more than two (2) days per week, or who has been employed primarily as a regular part-time employee and had in his base period no more than ten (10) weeks of employment in which he worked more than two (2) days, shall be presumed to be unavailable for full-time work unless a determination of his availability for full-time work is made on the basis of substantial supporting evidence. The Commission shall by regulation prescribe such special reporting procedures as are necessary to identify the wage records of individuals so employed as regular part-time employees.

“(d) Within each benefit year, and prior to the first week with respect to which he claims benefits for total or partial unemployment in such benefit year, he must have served a waiting period of two weeks (not necessarily consecutive) in which he was totally unemployed or earned remuneration equal to less than three-fourths ( $\frac{3}{4}$ ) of his weekly benefit amount, and in which he was eligible for benefits in all other respects under the provisions of this section: Provided, That this requirement shall not interrupt the



payment of benefits for consecutive weeks of total unemployment: Provided, further, That if a waiting period week of partial unemployment ends in a week with respect to which benefits for total unemployment would otherwise be payable, an eligible individual may receive a benefit equal to one-seventh (1/7) of his weekly benefit amount for each day of such week which is not included within the period covered by the claim.

“(c) He has earned wages equal to at least two hundred fifty dollars (\$250.00) during his base period and has earned some wages in each of two different calendar quarters in such base period.

“(f) If the commission finds that a worker otherwise eligible for benefits would be rendered substantially more employable if he were required to undergo vocational retraining, such individual may be required to participate in a vocational retraining program maintained by the commission or by any public agency or agencies designated by the commission: Provided, That the maximum amount of benefits payable to individuals who do undergo such retraining may be extended at the discretion of the commission for the period of such retraining to not more than sixteen (16) times the weekly benefit amount. The termination of a benefit year shall not stop or interrupt the payment of such extended benefits, but nothing herein contained shall relieve such individual claiming benefits from the operation of any of the foregoing provisions in this section. Such extension of maximum benefits shall be granted only to individuals who are undergoing training in vocational training courses which have been approved by

local advisory councils on which employers and labor are represented. Any individual who is required by the commission to undergo such vocational retraining must accept suitable work as defined in section 29, if offered to him. The experience record of no employer shall be charged with benefits paid beyond the benefit payment period to which the claimant is otherwise entitled."

**Sec. 29**, as amended by Act No. 364, Pub. Acts 1941:

(This section was further amended by Act No. 18, Pub. Acts Second Extra Session 1942, and by Act No. 88, Pub. Acts of 1943. The 1941 amendment appears in Stat. Ann. 1942 Cum. Supp. as § 17.531.)

**"Sec. 29.**

"Same; disqualification for benefits. An individual shall be disqualified for benefits:

"(a) For the week (1) in which he has left his most recent work voluntarily without good cause attributable to the employer, or (2) in which he has been discharged for misconduct connected with his work or (3) in which a claimant leaves her work in order to move with her husband or family to another locality, if so found by the commission, and for not less than the three (3) nor more than the five (5) weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case and for each week of disqualification, not including the week in which such leaving or discharge occurred, an amount equal to the claimant's weekly

benefit amount shall be deducted from the total amount of benefits otherwise available to him in either the current or in the next succeeding benefit year: Provided, That if the employer has given notice that an individual has left work voluntarily without good cause or has been discharged for misconduct connected with his work, the payment of benefits to such individual shall be withheld until seven (7) days after the commission has notified the employer of the disposition of such claim: And provided, That if such determination has been appealed by the employer, the payment of benefits shall be withheld until seven (7) days after the employer has been notified of the findings of the referee.

“(b) If the commission finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commission or to accept suitable work when offered him by any employing unit or by the commission or to return to his customary self-employment (if any) when so directed by the employment office or the commission. Such disqualification shall continue for the week in which such failure occurred and for not less than the three (3) nor more than the five (5) weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case and for each week of disqualification, not including the week in which such failure occurred, an amount equal to the claimant's weekly benefit amount shall be deducted from the total amount of benefits otherwise available to him in either the current or in the next succeeding benefit year. In determining whether or not any work is

suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

“Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

“(c) [\*] for any week with respect to which his total or partial unemployment is due to a *stoppage of work existing because of a labor dispute* in the establishment in which he is or was last employed: Provided, however, That no individual shall be disqualified under this section if he shall establish that he is not directly involved in such dispute. For the

---

[\*]

The 1941 amendment of section 29 (c) consisted solely of the addition of the italicized words and renumbering the paragraph as subsection (c) rather than subsection (d).

purpose of this section, no individuals shall be deemed to be directly involved in a labor dispute unless it is established:

“(1) That, at the time or in the course of a labor dispute in the establishment in which he was then employed, he shall in concert with one or more other employees have voluntarily stopped working other than at the direction of his employer, or

“(2) That he is participating in or financing or directly interested in the labor dispute which caused the stoppage of work: Provided, however, That the payment of regular union dues shall not be construed as financing a labor dispute within the meaning of this subsection, or

“(3) That at any time, there being no labor dispute in the establishment or department in which he was employed he shall have voluntarily stopped working, other than at the direction of his employer, in sympathy with employees in some other establishment or department in which labor dispute was then in progress.

“(d) Until any of said benefits awarded illegally shall have been paid back by him.

“(e) For any week with respect to which he is receiving or has received payments in the form of

“(1) Remuneration in lieu of notice;

“(2) Vacation with pay;

“(3) Compensation for temporary partial disability under the workmen’s compensation law of any state or under a similar law of the United States, or old age benefits under title 2 of the social security act, as amended, or similar payments under any act of congress: Provided, That if such payment is less than the benefits which would otherwise be due under this act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payments.”